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In re Application of
Onodera et al.
Application No.: 10/588,266
PCT No.: PCT/JP2005/001865
Int. Filing Date: 02 February 2005
Priority Date: 05 February 2004
Attorney Docket No.: Q96406
For: Method For Producing Polymer Compound

DECISION

This is with regard to the "Petition For Withdrawal Of Holding Of Abandonment..." filed on 12 August 2008.

BACKGROUND

This international application was filed on 02 February 2005, designated the United States, and claimed an earliest priority date of 05 February 2004. The International Bureau transmitted a copy of the published international application to the USPTO on 18 August 2005. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 05 August 2006. Applicants timely filed *inter alia* the basic national fee on 03 August 2006.

On 27 June 2008, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to counsel, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely reply to a Notification of Missing Requirements mailed on 17 April 2007.

DISCUSSION

Petitioner requests withdrawal of the holding of abandonment, on the basis of alleged non-receipt of the Notification of Missing Requirements. Counsel states in part that "Form PCT/DO/EO/905, Notification of Missing Requirements, of April 17, 2007 was not received by the undersigned or his/her office and a search of the file jacket of the above application and the docket records of the undersigned attorney indicates that the Office Action was not received."

Inspection of the USPTO's PALM database reveals an indication that a Notification of Missing Requirements was mailed on 17 April 2007, but no such Notification is present in the IFW electronic application file. The IFW support staff have confirmed that no such Notification is present in the database, and have indicated that a review of the stored physical artifacts did not produce a copy of the Notification. Accordingly, based on the totality of the evidence currently of record, it would be appropriate to conclude that the Notification of Abandonment mailed on 27 June 2008 was issued in error, and therefore it is hereby **VACATED**. The holding of abandonment is **WITHDRAWN**.

Petitioner further indicates that "Applicants filed an executed Declaration together with the above-identified application. A copy of the Serial Number Card, indicating receipt of the Declaration, is attached hereto." However, review of the application file reveals that no oath or declaration is present, and petitioner did not furnish a copy with the petition. Should petitioner seek further review of the postcard receipt issue as it pertains to the oath or declaration, an appropriate petition may be filed in response to the new Notification of Missing Requirements which is being mailed pursuant to this decision.

DECISION

The petition is **GRANTED**, to the extent noted above.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a new Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b), and the surcharge under 37 CFR 1.492(h).

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